

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District)	Complaint No. R8-2003-0007
12770 Second Street)	for
Yucaipa, California 92399)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Regional Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385.
2. A hearing concerning this complaint may be held before the Regional Board within 90 days of the date of issuance of this complaint, unless Yucaipa Valley Water District waives its right to a hearing. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on February 21, 2003 in the City of Loma Linda. The meeting will begin at 9:00 a.m. Yucaipa Valley Water District or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Regional Board.
3. This complaint is based on the following facts:
 - A.) On June 01, 2001, the Regional Board adopted Waste Discharge Requirements Order No. 01-009 (NPDES No. CA0105619), for Yucaipa Valley Water District. These requirements regulate discharges of waste from the District's Henry N. Wochholz Municipal Wastewater Treatment Plant.
 - B.) Yucaipa Valley Water District submitted self-monitoring reports (June 2000 through June 2001) which show violations of effluent limits for total inorganic nitrogen, total chlorine residual, pH, 7-day median coliform, the discharge of un-disinfected effluent, and turbidity. These violations are summarized on Attachment "A", which is Page 3 of this complaint.
4. Water Code Section 13385 (i)(2) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three non-serious violations in each six-month period.

5. In accordance with Water Code Section 13385(i), the mandatory minimum penalty for the violations that occurred from June 2000 to June 2001 is \$84,000, which is based on twenty-eight (28) effluent limit violations at \$3,000 each.
6. In accordance with Water Code Section 13385(c), the Regional Board may impose administrative civil liability for thirty (30) violations. The maximum administrative civil liability that may be imposed for these violations is \$300,000.
7. The Executive Officer proposes that mandatory minimum penalties of \$84,000 be imposed on Yucaipa Valley Water District by the Board for the violations cited above.
8. YVWD has indicated that it wishes to waive its right to a hearing in this matter. YVWD has also agreed to participate in a supplemental environmental project (SEP) that will benefit the Upper Santa Ana Watershed. The proposed SEP is to contribute \$49,500 of the assessed liability towards cleanup of the perchlorate contamination in the Colton-Rialto area. The balance of the assessment (\$34,500) shall be paid to the State Water Resources Control Board. An invoice for this amount is inclosed.

If you have any questions regarding this complaint, please contact the undersigned at (909) 782-3284, Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

1-24-03
Date


Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Violations included in reports submitted by Yucaipa Valley Water District commencing June 2000 through June 2001.

Month	Violations	No. of Violations	Violations subject to penalty ¹
June, 2000	• Total Inorganic Nitrogen	(1) ²	1
July, 2000	• Turbidity	1	1
	• Total chlorine residual	2	0
	• PH	1	1
	• Total Inorganic Nitrogen	(1)	1
August, 2000	• Turbidity	1	1
	• Discharge of un-disinfected effluent	1	1
	• Total Inorganic Nitrogen	(1)	1
September, 2000	Total Inorganic Nitrogen	(1)	1
October, 2000	Total Inorganic Nitrogen	(1)	1
November, 2000	Total Inorganic Nitrogen	(1)	1
December, 2000	• Coliform	2	2
	• Total Inorganic Nitrogen	(1)	1
January, 2001	• Coliform	4	4
	• Total Inorganic Nitrogen	(1)	1
February, 2001	• Coliform	2	2
	• Total chlorine residual	2	2
	• Total Inorganic Nitrogen	(1)	1
March, 2001	• Coliform	1	1
	• Total Inorganic Nitrogen	(1)	1
April, 2001	Total Inorganic Nitrogen	(1)	1
May, 2001	Total Inorganic Nitrogen	(1)	1
June, 2001	Total Inorganic Nitrogen	(1)	1
Total Violations		30	28

¹ See Water Code Section 13385 (i)

² () Indicates a serious violation, as defined in 13385(h)

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WAIVER OF HEARING

The Yucaipa Valley Water District agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0007. Yucaipa Valley Water District has enclosed a check made payable to the State Water Resources Control Board in the amount of \$34,500 for part of the of the amount of the proposed liability in Paragraph 7 of Complaint No. R8-2003-0007. Yucaipa Valley Water District understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2003-007, and against the imposition of, and amount of, the mandatory penalties.

Yucaipa Valley Water District also agrees to participate in a supplemental environmental project (SEP). The balance of the assessment (\$49,500) will be contributed towards abating the perchlorate groundwater contamination in the Colton-Rialto area and payment is being forwarded to the Regional Board office.

Date

for Yucaipa Valley Water District

Please return this waiver form, bottom portion of the invoice and the payment (\$34,500) to the State Water Resources Control Board at the address on the invoice. The checks for the SEP should be forwarded in a separate envelope to the Regional Board office.

Invoice Date: 01/03/2003
Enforcement Action ID: 64027
Enforcement Order No.: R8-2003-0007